

**TOWN OF ROCKY HILL  
PLANNING AND ZONING COMMISSION  
MEETING OF FEBRUARY 4, 2015**

**CALL TO ORDER**

Chairman Desai called the Wednesday, February 4, 2015, meeting to order at 6:34 p.m. in the Town Council Room, Rocky Hill Town Hall, 761 Old Main Street, Rocky Hill, Connecticut.

Present: Dimple Desai, Chairman  
Victor Zarrilli, Secretary  
Giuseppe Aglieco

Alternates: William O'Sullivan

Also: Kimberley A. Ricci, Dir. Planning & Building/Asst. ZEO  
Eileen A. Knapp, Recording Secretary

**1. PUBLIC HEARING**

**A. Proposed Amendments to the Rocky Hill Zoning Regulations, Town of Rocky Hill, proposing to amend/add the following language:**

**Add to Section 2.2 DEFINITIONS:**

**Licensed Medical Marijuana Dispensary (Dispensary):** A pharmacist licensed pursuant to Chapter 400j of the Connecticut General Statutes, who the Department of Consumer Protection has licensed to acquire, possess, distribute and dispense medical marijuana pursuant to CGS Section 21a-408 to 21a-408q inclusive of an 'Act Concerning the Palliative Use of Marijuana' and who is located on the premises of a pharmacy licensed by the Connecticut Commission of Pharmacy

**Licensed Medical Marijuana Producer (Producer):** A person or organization licensed by the Connecticut Department of Consumer Protection as a producers under CGS 21a-408-1 through 21a-408-70, whose purpose is to cultivate marijuana for palliative use, including selling, delivering transporting and distributing such marijuana, but only to State licensed dispensaries under Sections 1 through 15, inclusive of the 'Act Concerning the Palliative Use of Marijuana.'

**Add to Section 4.1.4 Business Park District:**

**Special Permit Uses: N. licensed medical marijuana producer with Section 7.13**

**Special Permit Uses: O. licensed medical marijuana dispensary with Section 7.13**

**Add to Section 4.1.1 Regional Commercial District**

**Special Permit Uses: S. licensed medical marijuana dispensing facility with Section 7.13**

**Add to Section 4.1.2 Commercial District**

**Special Permit Uses: R. licensed medical marijuana dispensing facility with Section 7.13**

**Add Section 7.13 MEDICAL MARIJUANA**

**A. Licensed medical marijuana producers (Producer) are allowed in Business Park Zoning Districts with a Special Permit/Site Plan under Section 8.3 and meeting the following regulations:**

- 1. The property on which a Producer is located shall not be permitted within 200 feet of any portion of a property on which a duly organized school, municipal park/recreational facility, place of worship is located; or within 200 feet of a boundary of a residential zoning district (as designated on the Official Zoning Map).**
- 2. The property on which a Producer is located shall not be permitted within 1,000 feet of any portion of a property on which another Producer is located.**
- 3. Marijuana and marijuana paraphernalia and products made thereof shall not be clearly visible from the exterior of the production facility.**
- 4. Producers shall comply with Connecticut General Statutes Section 21a-408 et seq. and the Regulations of State Agencies Sections 21a-408-1 to 21a-408-70 inclusive, both of which as may be amended from time to time.**

**B. Licensed medical marijuana dispensaries (Dispensary) are allowed in Business Park and Commercial Zoning Districts with a Special Permit/Site Plan under Section 8.3 and meeting the following regulations:**

- 1. The property on which a Dispensary is located shall not be permitted within 1,000 feet of any portion of a property on which a duly organized school, municipal park/recreational facility, place of worship is located; or within 200 feet of a boundary of a residential zoning district (as designated on the Official Zoning Map).**
- 2. Marijuana and marijuana paraphernalia and products made thereof shall not be clearly visible from the exterior of the dispensary facility.**
- 3. Dispensaries shall comply with Connecticut General Statutes Section 21a-408 et seq. and the Regulations of State Agencies Sections 21a-408-1 to 21a-408-70 inclusive, both of which as may be amended from time to time.**

No one was present from the public who wished to speak.

**A MOTION was made by Commissioner Zarrilli to close the Public Hearing for Proposed Amendments to the Rocky Hill Zoning Regulations, Town of Rocky Hill, proposing to**

amend/add language concerning Medical Marijuana, Section 2.2 Definitions, Medical Marijuana Dispensary and Producer; Section 4.14 add Medical Marijuana Dispensary and Producer to the Business Park District as Special Permit Uses' Section 4.1.1 Regional Commercial District and Section 4.1.2 add Medical Marijuana Dispensary as a Special Permit use; Add Section 7.13 Medical Marijuana. Seconded by Commissioner O'Sullivan. All were in favor, MOTION CARRIED UNANIMOUSLY.

**B. Special Permit Application, for Alyssa Heald, proposing to use approximately 3,400 square feet for the relocation of a Crossfit Gym in Units E1, E2 and E3 of Shunpike Business Center at 1275 Cromwell Avenue in a BP-Business Park Zoning District;**

All proofs of notifications to abutters were received.

**Ms. Alyssa Heald of 55 Woodbind Road, Colchester** addressed the Commission. Her business is currently located at 50 Inwood Road but she needs a larger space and she would like to keep the business in Rocky Hill. The Commission approved this use at its current location a few years ago and this application is for the exact same use, but in another location.

Public

**Ms. Sarah Baron of 273 Whitewood Drive** addressed the Commission to express her support for this application.

**A MOTION was made by Commissioner Zarrilli to close the public hearing for Special Permit Application, for Alyssa Heald, proposing to use approximately 3,400 square feet for the relocation of a Crossfit Gym in Units E1, E2 and E3 of Shunpike Business Center at 1275 Cromwell Avenue in a BP-Business Park Zoning District/. Seconded by Commissioner O'Sullivan. All were in favor, MOTION CARRIED UNANIMOUSLY.**

## **2. SPECIAL MEETING**

Chairman Desai called the Special Meeting to order at 6:44 p.m.

## **3. PUBLIC**

No one from the public spoke.

## **4. AGENDA ITEMS**

**A. Special Permit Application, for Alyssa Heald, proposing to use approximately 3,400 square feet for the relocation of a Crossfit Gym in Units E1,E2 and E3 of Shunpike Business Center at 1275 Cromwell Avenue in a BP-Business Park Zoning District;**

A MOTION was made by Commissioner Zarrilli to approve the Special Permit Application, for Alyssa Heald, proposing to use approximately 3,400 square feet for the relocation of a Crossfit Gym in Units E1, E2 and E3 of Shunpike Business Center at 1275 Cromwell Avenue in a BP-Business Park Zoning District. Seconded by Commissioner O'Sullivan. All were in favor, MOTION CARRIED UNANIMOUSLY.

**B. Review and adopt timeframe and meeting schedule for 2015 Plan of Conservation and Development completion and adoption;**

A MOTION was made by Commissioner Zarrilli to adopt the timeframe and meeting schedule for 2015 Plan of Conservation and Development completion and adoption;. Seconded by Commissioner O'Sullivan. All were in favor, MOTION CARRIED UNANIMOUSLY.

**C. Proposed Amendments to the Rocky Hill Zoning Regulations, Town of Rocky Hill, proposing to amend/add language concerning Medical Marijuana, Section 2.2 Definitions, Medical Marijuana Dispensary and Producer; Section 4.14 add Medical Marijuana Dispensary and Producer to the Business Park District as Special Permit Uses' Section 4.1.1 Regional Commercial District and Section 4.1.2 add Medical Marijuana Dispensary as a Special Permit use; Add Section 7.13 Medical Marijuana; ( See Item 1A on this agenda );**

A MOTION was made by Commissioner Zarrilli to approve the Proposed Amendments to the Rocky Hill Zoning Regulations, Town of Rocky Hill, proposing to amend/add language concerning Medical Marijuana, Section 2.2 Definitions, Medical Marijuana Dispensary and Producer; Section 4.14 add Medical Marijuana Dispensary and Producer to the Business Park District as Special Permit Uses' Section 4.1.1 Regional Commercial District and Section 4.1.2 add Medical Marijuana Dispensary as a Special Permit use; Add Section 7.13 Medical Marijuana. Seconded by Commissioner O'Sullivan. All were in favor, MOTION CARRIED UNANIMOUSLY.

Mrs. Ricci noted that these changes would take effect when the legal notice of action is published, which should be in 1 week.

**D. Proposed Zoning Regulation Amendments, Town of Rocky Hill, proposing to modify the Rocky Hill Zoning Regulations:**

- 1. Remove Section 4.1.3 Site Plan Uses D. Mixed-uses, in the OP – Office Park Zoning District;**
- 2. Modify the language in Section 4.1.2 Site Plan Uses F from “mixed commercial and residential uses” to “mixed use,” in the C-Commercial Zoning District;**

**3. Modify Section 4.3.5 Add: This Section is not applicable to Mixed Use Developments approved under Section 7.13**

**4. Add to and/or replace existing definitions within Section 2.2 DEFINITIONS:**

**Affordable Housing:** housing for which people and families pay thirty percent ( 30 % ) or less of their annual income, where such income is less than or equal to the area mean income for the municipality in which such housing is located, as determined by the United States Department of Housing and Urban Development

**Affordable Housing Set Aside:** ten (10) percent of housing units in a mixed use development, are to be designated as “affordable housing,” as defined herein, when the number of residential units on site is ten (10) or more total

**Apartment:** a suite of rooms forming one residence or dwelling unit

**Apartment Building:** a building containing several apartment style dwelling units for lease

**Duplex Residence:** two joined residential dwelling units

**Mixed Use:** a combination of (i) a commercial use or uses permitted in, and meeting the applicable standards of, the underlying district, which use or uses shall included retail, (ii) residential use; and (iii) recreational, cultural, civic and/or educational uses not limited to occupants and guests of the residential component. All categories of use shall be substantial elements of the overall project, shall be complementary and shall be physically and functionally integrated. The project shall be designed to facilitate and encourage internal and external pedestrian access to the extent reasonably practicable

**Multifamily Housing:** allowed as a component of a mixed use development is a classification of housing where multiple separate housing units for residential inhabitants are contained within one building, with or without party walls or several buildings within one complex. A common form is an apartment building. Sometimes units in a multi-family residential building are condominiums, where typically the units are owned individually rather than leased from a single apartment building owner.

**5. Add Section 7.14 Mixed Use Development**

The Commission may grant a Special Permit and Site Plan approval for a Mixed Use Development in a C-Commercial Zoning District, provided the proposed development meets the applicable definitions and requirements under this Section 7.13, 2.2, 8.3 and 8.4 of these Regulations as may be amended.

**7.14 A. Height and Area Requirements:**

**1. Building Height:** If more than one building is proposed within a mixed use development, the buildings should be at varying heights. Building height is not to exceed 45 feet or 4 stories.

**2. Building Setbacks:** Front yard setback can range between 10 feet and 35 feet. Applicants, in writing, can request a front yard setback less than 10 feet providing the change would not create a sightline hazard or other hazard; and in front of the building vegetative elements are incorporated.

Side Yard and Rear Yard Setbacks are to meet those of the underlying district.

**3. Minimum Impervious/landscaped area:** There is to be a minimum of 30% impervious area on site distributed throughout the site. Vegetative buffering is to be provided alongside and rear property boundaries

**7.14 B Parking Requirements/Traffic:**

Shared parking is required. The Applicant, in writing, shall the present the proposed uses in general within the proposed development, their parking needs, and requirements as well as the overall parking and circulation plan.

**7.14 C Multifamily Housing/Affordable Housing:**

Multifamily housing is allowed in a mixed use development in the form of rental units and/or condominium units. Affordable housing units as defined in Section 2.2, shall be required where at least ten (10) residential units are proposed as a part of a mixed use development. In mixed use developments which contain ten (10) residential units or more, ten (10) percent of those units are to be designated as “affordable” by deed restriction/lease for a period of thirty years.

**7.14 E** In addition to other criteria contained elsewhere in these Regulations, applications for a Special Permit and Site Plan approval for a mixed use development shall comply with the following:

**1. Special Permit Requirements in Section 8.3.**

**2. Site Plan Requirements in Section 8.4**

**3. Properties are to be served by public water and public sewer;**

**4. Public sidewalks are to be provided along the street frontage and throughout the development with areas of refuge such as but not limited to benches, other areas for sitting;**

**5. Commercial Vehicles as defined in Section 2.2 are prohibited from overnight parking unless associated with an on-site commercial business and appropriately screened from the public street and on site and nearby residential units;**

**6. The design guidelines as developed for the Silas Deane Highway, The Silas Deane A Vision for Reinvestment. Action Items and Design Guidelines \* is to be considered with respect to project and building design.**

**\*The Silas Deane A Vision for Reinvestment Action Items and Design Guidelines, Wethersfield and Rocky Hill, Connecticut, prepared by Fuss & O'Neill in association with Ferrero Hixon Assoc., dated April 2006.**

As a result of discussion at the previous meeting there was a change to the definition of affordable housing and the language of 7.1.4e-6, was changed slightly. Mrs. Ricci read into the record comments from Attorney Tom Regan, who represents the owner of the former Ames headquarters. They are concerned with the revisions relating to the affordable housing component. They are supportive of the 10% affordable housing component for rental housing but not for condominiums.

The Commission had a lengthy discussion about whether the affordable housing component should be limited to rental units and not condominiums or units that are being sold. There was also a discussion about whether or not mixed-use should only be allowed by special permit and if it should be allowed anywhere but in the mixed-use overlay district.

The moratorium on multi-family housing ends in April. If the Commission does not finalize the Regulations changes they may have to extend the moratorium. The Commission agreed to send the proposed changes to a public hearing, where they could get additional comments from the public.

**A MOTION was made by Commissioner Zarrilli to schedule a public hearing for Proposed Zoning Regulation Amendments, Town of Rocky Hill, proposing to modify the Rocky Hill Zoning Regulations and associated zoning map change. Seconded by Commission O'Sullivan. All were in favor, MOTION CARRIED UNANIMOUSLY.**

## **5. ADJOURN**

**A MOTION was made by Commissioner Zarrilli to adjourn the meeting at 7:28 p.m. Seconded by Commissioner Aglieco. All were in favor, MOTION CARRIED UNANIMOUSLY.**

Respectfully submitted,

Eileen A. Knapp  
Recording Secretary